

16086 U.S. PTO  
08/18/03

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FORM PTO-1082

Attorney Docket No. 06816.0505

Commissioner for Patents  
Alexandria, VA 22313-1450  
Sir:

Transmitted herewith for filing is the patent application of  
Inventors: **Brian Eugene Lockyear et. al.**  
For: **METHOD AND APPARATUS FOR SOLVING CONSTRAINTS**

Enclosed are:

- v Specification containing 38 pages (including claims 1-14 and 1 page abstract)
- v 6 sheets of drawings (Figs. 1A-1D, 2-5)
- o An assignment of the invention to \_\_\_\_\_
- v Form PTO/SB/35 (Request and Certification under 35 U.S.C. 122(b)(2)(B)(i))
- o A certified copy of a \_\_\_\_\_ application.
- o A verified statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.
- v Unexecuted Declaration (3 pgs).

The filing fee has been calculated as shown below:

(Col. 1)		(Col. 2)		SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
FOR	NO. FILED	NO. EXTRA		RATE	FEE		RATE	FEE
BASIC FEE					\$ 370.00	OR		\$750.00
TOTAL CLAIMS	14	-20 =	* 0	X 9 =		OR	x 18 =	\$000.00
INDEP. CLAIMS	7	-3 =	* 4	x 42 =		OR	x 84 =	\$336.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED				+ 140 =		OR	+ 140 =	
				TOTAL		OR	TOTAL	\$1,086.00

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2

- o Please charge my Deposit Account No. \* in the amount of \$ \*. A duplicate copy of this sheet is attached.
- v A Credit Card Payment Form in the amount of **\$1,086.00** to cover the filing fee is enclosed.
- v The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **502584** referencing docket number **06816.0505**. A duplicate copy of this sheet is attached.
  - v Any additional filing fees required under 37 CFR 1.16.
  - v Any patent application processing fees under 37 CFR 1.17.
- o The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. \* referencing docket number \*. A duplicate copy of this sheet is enclosed.
  - o Any patent application processing fees under 37 CFR 1.17
  - o The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
  - o Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Date August 18, 2003

Express Mail Number EU600-802-961US

*Jonathan T. Kaplan*  
Jonathan T. Kaplan (Reg. No. 38,935)

Please type a plus sign (+) inside this box → +

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <small>(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))</small>	<b>Attorney Docket No.</b> 06816.0505	
	<b>First Inventor</b>	B. Lockyear
	<b>Title</b>	METHOD AND APPARATUS FOR SOLVING CONSTRAINTS
	<b>Express Mail Label No.</b> EU600-802-961US	

<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents.</small>  1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <small>(Submit an original and a duplicate for fee processing)</small> 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total Pages <span style="border: 1px solid black; padding: 0 5px;">38</span> ] <small>(preferred arrangement set forth below)</small> <ul style="list-style-type: none"><li>- Descriptive title of the Invention</li><li>- Cross References to Related Applications</li><li>- Statement Regarding Fed sponsored R &amp; D</li><li>- Reference to sequence listing, a table, or a computer program listing appendix</li><li>- Background of the Invention</li><li>- Brief Summary of the Invention</li><li>- Brief Description of the Drawings (if filed)</li><li>- Detailed Description</li><li>- Claim(s)</li><li>- Abstract of the Disclosure</li></ul> 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <span style="border: 1px solid black; padding: 0 5px;">6</span> ] 5. Oath or Declaration [Total Pages <span style="border: 1px solid black; padding: 0 5px;">3</span> ] <ul style="list-style-type: none"><li>a. <input checked="" type="checkbox"/> Unexecuted</li><li>b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) <small>(for a continuation/divisional with Box 18 completed)</small></li><li>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small></li></ul> 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	<b>ADDRESS TO:</b> Commissioner for Patents Mail Stop Patent Application Alexandria, VA 22313-1450  7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) <ul style="list-style-type: none"><li>a. <input type="checkbox"/> Computer Readable Form (CRF)</li><li>b. Specification Sequence Listing on:<ul style="list-style-type: none"><li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li><li>ii. <input type="checkbox"/> paper</li></ul></li><li>c. <input type="checkbox"/> Statements verifying identity of above copies</li></ul> <b>ACCOMPANYING APPLICATIONS PARTS</b> 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 C.F.R. §3.73(b) Statement <input type="checkbox"/> Power of Attorney <small>(when there is an assignee)</small> 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <small>(Should be specifically itemized)</small> 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small> 16. <input checked="" type="checkbox"/> Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input type="checkbox"/> Other:
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18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP)    of prior application No: \_\_\_\_\_  
Prior application information:    Examiner    Group / Art Unit:

**For CONTINUATION or DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

<b>17. CORRESPONDENCE ADDRESS</b>					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label		35795		or <input type="checkbox"/> Correspondence address below	
		(Insert Customer No. or Attach bar code label here)			
Name					
Address					
City		State		Zip Code	
Country		Telephone		Fax	

Name (Print/Type)	Jonathan T. Kaplan	Registration No. (Attorney/Agent)	38,935
Signature		Date	August 18, 2003

Jonathan T. Kaplan  
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New York, NY 10038-1501  
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Specializing in  
intellectual property

Admitted CA, NY, USPTO

August 18, 2003

Transmittal Letter

**Via Express Mail No. EU600-802-961US**

*Mail Stop Patent Application*

*Commissioner for Patents*

*P.O. Box 1450*

*Alexandria, VA 22313-1450*

Re: U.S. Non-Provisional Utility Patent Application  
Appl. No. **To be Assigned / Filed: August 18, 2003**  
For: **Method and Apparatus for Solving Constraints**  
Inventors: **Brian E. Lockyear et al.**  
Our Ref: 06816.0505

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Return postcard listing all the items below
2. Form PTO/SB/05 (*Utility Application Transmittal*)
3. Form PTO-1082 (*Fee Transmittal*)
4. Credit Card Payment Form for \$1,086.00 (application filing fee including excess claims).
5. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i);
6. U.S. Utility Patent Application entitled:

**METHOD AND APPARATUS FOR SOLVING CONSTRAINTS**

and naming as inventors:

**Brian Eugene Lockyear,**

**James Herbert Kukula, and  
Robert F. Damiano**

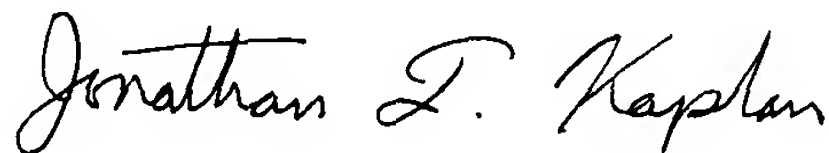
the application consisting of:

- a. A specification containing:
  - (i) 33 pages of description prior to the claims;
  - (ii) 4 pages of claims (**1-14, including 7 independent claims**);
  - (iii) one (1) page abstract;
- b. 6 sheet(s) of drawings (**Figures 1A-1D, 2-5**); and
- c. an Unexecuted Declaration, **3 pgs.**

It is respectfully requested the attached postcard be stamped with the following information and returned to me as soon as possible: the April 18, 2003 filing date of the documents listed hereon (the date of their deposit with Express Mail), and the unofficial application number.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to my Deposit Account No. 502584 referencing the above docket number. *A copy of this letter is enclosed.*

Respectfully submitted,



Jonathan T. Kaplan (Reg. No. 38,935)

Enclosures

Jonathan T. Kaplan  
Attorney at Law  
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New York, NY 10038-1501  
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*Mail Stop Patent Application*

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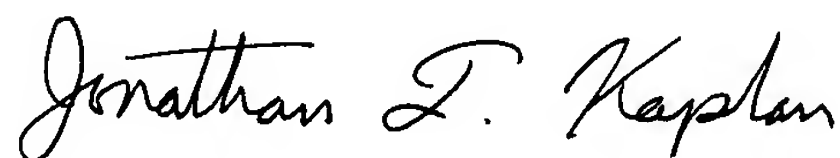
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Respectfully submitted,



Jonathan T. Kaplan (Reg. No. 38,935)

Enclosures

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor    Brian E. Lockyear	
	Title	Method and Apparatus for Solving Constraints
	Atty Docket Number    06816.0505	

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

August 18, 2003

Date

*Jonathan T. Kaplan*

Signature

Jonathan T. Kaplan, # 38,935

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

*Express Mail No. EU600-802-96145*